

REMARKS

This Amendment is responsive to the Office Action dated January 8, 2009. Applicant has amended claims 1, 3, 5, and 6, cancelled claim 34, and added new claims 36–53. Claims 12–33 and 35 were previously cancelled. Claims 1–11 and 36–53 are pending upon entrance of this Amendment.

Interview Summary

As a preliminary matter, Applicant thanks the Examiner for participating in the interview conducted on March 31, 2009. Examiner Saeed and Applicant's representatives, Mr. Raymond Berdie and Mr. Brian Dawley, participated in the interview. During the course of the interview, Applicant's representatives presented proposed claim amendments to claims 1, 3, 5, and 6, and new claims 36–37. Examiner Saeed stated that the claim amendments overcame the 35 U.S.C. § 101 rejection, and that the proposed claim amendments overcame the prior art cited in the Office Action dated January 8, 2009. Applicant has incorporated the proposed amendments as presented during the interview into the present Amendment. No formal agreements were reached during the course of the interview.

Claim Rejection Under 35 U.S.C. § 101

The Office Action rejected claims 1–11 under 35 U.S.C. § 101, as being directed to non-statutory subject matter. Applicant as amended claim 1 to require, for example, "accessing, by a computing device, ..." Applicant therefore respectfully submits that claim 1 is patentable under 35 U.S.C. § 101. Claims 2–11 incorporate the requirements of amended claim 1, and therefore claims 2–11 are likewise patentable. Applicant therefore respectfully requests withdrawal of the rejection under 35 U.S.C. § 101.

Claim Rejection Under 35 U.S.C. § 103

The Office Action rejected claims 1–8 under 35 U.S.C. § 103(a) as being unpatentable over McLean et al. (U.S. Patent Publication No. 2003/0018506, *hereinafter* "McLean") in view of Loeb et al. (U.S. Patent No. 6,725,287, *hereinafter* "Loeb") further in view of Richardson et al. (U.S. Patent No. 6,292,803, *hereinafter* "Richardson"). The Office Action also rejected claims 9–10 under 35 U.S.C. § 103(a) as being unpatentable over McLean in view of Loeb as

applied to claims 1–8 above in further view of Zwilling et al. (U.S. Patent Publication No. 2004/0267828, *hereinafter* “Zwilling”). The Office Action also rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over McLean in view of Loeb as applied to claims 1–8 above in view of Homayoun Yousefi’zadeh (U.S. Patent Publication No. 2004/0030739, *hereinafter* “Homayoun”). Applicant respectfully traverses the rejections to the extent they may be considered applicable to the claims as amended. The applied references fail to disclose or suggest the inventions defined by Applicant’s claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed inventions.

For example, amended claim 1 requires using view snapshots that were published according to a first dynamic view definition to generate a re-initialized view according to a second dynamic view definition. In this manner, the computing device of claim 1 need not retrieve earlier events of the stream from the streaming database system to display the re-initialized view or to produce view snapshots according to the second dynamic view definition. Thus, the computing device may, for example, produce view snapshots according to the second dynamic view definition using events of the stream from the streaming database that occurred before the computing device received the second dynamic view definition without requesting those events from the streaming database system.¹

McLean in view of Loeb and Richardson fails to disclose or suggest the requirements of amended claim 1. For example, McLean in view of Loeb and Richardson fail to disclose or suggest using said sequence of view snapshots to generate a re-initialized view according to said second dynamic view definition, wherein generating said re-initialized view comprises incorporating events used to materialize said initialized view and events of said sequence of view snapshots, and wherein generating said re-initialized view comprises calculating a view state of said re-initialized view by retrieving and replaying said sequence of view snapshots. None of McLean, Loeb, or Richardson, alone or in combination, disclose or suggest these requirements of amended claim 1. None of the other references, e.g., Zwilling and Homayoun, overcome the limitations of McLean, Loeb, and Richardson.

Thus, the applied prior art fails to disclose or suggest the requirements of independent claim 1 as amended. Dependent claims 2–11 incorporate the requirements of amended claim 1, and therefore claims 2–11 are patentable for at least the reasons discussed with respect to claim

¹ See, e.g., Applicant’s specification, p. 31, ll. 1–4.

1. In light of the shortcomings of the prior art with respect to independent claim 1, Applicant reserves comment with respect to the dependent claims, but reserves the right to comment further with respect to any pending claim in a future Amendment, Response, or on appeal. Moreover, although Applicant has concentrated on certain elements of claim 1 in these remarks, Applicant does not acquiesce that the prior art discloses any limitations of the pending claim. Applicant also reserves the right to comment further with respect to any other limitation of any pending claim.

For at least these reasons, the Office Action has failed to establish a prima facie case for non-patentability of Applicant's claims 1-11 under 35 U.S.C. § 103(a). Applicant therefore respectfully requests withdrawal of these rejections.

New Claims

Applicant has added claims 36-53 to the pending application. The applied references fail to disclose or suggest the inventions defined by Applicant's new claims, and provide no teaching that would have suggested a reason for modification to arrive at the claimed inventions. Claim 36 depends from claim 1, so claim 36 is patentable for at least the reasons discussed with respect to claim 1. New independent claims 37, 38, 46, and 53 include requirements similar to independent claim 1. The other new claims are dependent upon one of these respective independent claims. Thus, for at least the reasons discussed above, the new claims are patentable. No new matter has been added by the new claims.

CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Applicant does not acquiesce as to any assertion in the Office Action with respect to the prior art or to Applicant's claims. Applicant's silence with respect to any assertion in the Office Action should not be interpreted as Applicant's acquiescence thereto. Applicant reserves the right to comment further with respect to the cited art and/or any pending claim in a future Amendment, Response, or on appeal.

Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

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